

## PROHIBITING DISCRIMINATION BASED ON PREGNANCY

1417

(No. 1 May 2015)

[The Pregnancy Discrimination Act of 1978](#)

[Government Code § 12940](#)

[Government Code § 12943](#)

[Government Code § 12945](#)

Departmental policy prohibits discrimination against a woman because of pregnancy or a related condition, or due to her ability to become pregnant. A woman who is temporarily unable to perform her job due to pregnancy, childbirth, or related conditions must be afforded all the same rights and protections as any other employee with a temporary disability. A woman who is on temporary disability due to a pregnancy related condition, and who recovers prior to the birth of her child, must be allowed to return to work at the time her medical provider authorizes her to do so.

### BREASTFEEDING/LACTATION ACCOMMODATION

In recognition of the health benefits of breastfeeding to both mothers and infants and in compliance with State law, the Department supports mothers who choose to continue breastfeeding after returning to work. Reasonable break time will be provided to lactating mothers. If possible, any break time already provided to the employee will run concurrently with this. The Department does recognize that the amount of time needed to breastfeed or express milk may vary from employee to employee and recommends flexibility and accommodation for this activity.

Whenever possible, supervisors and/or managers will designate a clean, private room (not a toilet stall) with an electrical outlet, seating, and a small table for this purpose. When sufficient space does not exist within a facility to designate a room for lactation purposes, the supervisor or manager will make a private space (e.g. an empty office, a meeting room, women's lounge, or first aid room) available for the breastfeeding employee to use as needed. Privacy will be ensured by a lock on the door or by the provision of a sign stating: **Room in use. DO NOT DISTURB.** If a refrigerator is provided for the use of employees, it may be used to store expressed breast milk.

Pregnant employees who intend to breastfeed are encouraged to meet with their supervisors prior to maternity leave to discuss their potential lactation accommodation needs. Employees and supervisors will work cooperatively to balance workload and lactation accommodation needs.

[\(see Next Section\)](#)

[\(see Handbook Table of Contents\)](#)

[\(see Forms and Form Samples\)](#)